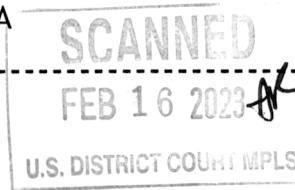


TRULINCS 20953041 - HANSMEIER, PAUL R - Unit: SST-F-A



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U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

FROM: 20953041
TO:
SUBJECT: Motion for Hearing on Matter of Judicial Notice
DATE: 02/11/2023 03:40:39 PM

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA
16-cr-334

Paul R. Hansmeier (Movant-Defendant) v. United States of America (Respondent-Plaintiff)

NOTICE OF MOTION AND MOTION FOR FEDERAL RULE OF EVIDENCE 201(e) HEARING ON MATTER OF JUDICIAL NOTICE

I. Relief Requested.

Petitioner Paul Hansmeier moves the Court for hearing on the propriety of taking judicial notice of the fact of Judge Tunheim's filing restriction in Hansmeier v. MacLaughlin, Civ. No. 21-1167 (D. Minn. Mar. 11, 2022), and further moves the Court for an order refusing to take judicial notice of this alleged fact.

II. Notice of Motion.

Please take notice that a date and time to be determined by the Court, a hearing on this motion will be heard before the Honorable Joan N. Erickson, U.S. District Court Judge, at the Minneapolis Federal Courthouse at 300 South Fourth Street, Minneapolis, MN 55415.

III. Grounds for Relief.

Federal Rule of Evidence 201(e) provides that, in every instance, a party is entitled to be heard on the question of "the propriety of taking judicial notice and the nature of the fact to be noticed." In this case:

1. On January 27, 2023, Hansmeier was informed that the Court denied Hansmeier's motion for a preliminary injunction. In its order, the Court found, as a matter of fact, that Hansmeier was subject to a filing restriction in the Hansmeier v. MacLaughlin, 21-cv-1167 (D. Minn. Mar. 11, 2022) matter. No evidence was presented to the Court on this fact, so the Court must have taken judicial notice of it.

2. Judicial notice of this fact is improper because there is substantial dispute regarding whether the judicially noticed filing restriction is void. Black letter law dictates that void orders are legal nullities; they are no different from no order at all. Hansmeier has had at least three adverse orders against him adjudged void: (1) Judge Tauro's entry of judgment against Hansmeier in AF Holdings, LLC v. Chowdhury was deemed void by the First Circuit on due process grounds; (2) Judge Herndon's imposition of inherent authority sanctions in Lightspeed Media Corporation v. Smith was deemed void by the Seventh Circuit on due process grounds; and (3) Magistrate Judge Noel's imposition of inherent authority sanctions was deemed void by this Court on subject matter jurisdiction grounds.

3. At the FRE 201(e) hearing, the evidence will show that Judge Tunheim's order is void for both due process and subject matter jurisdiction reasons. Regarding due process, the evidence will show that Judge Tunheim entered an order staying Hansmeier's ability to respond to motion for a filing restriction, but then turned around and acted on the motion without allowing Hansmeier an opportunity to be heard on it. Regarding subject matter jurisdiction, Judge Tunheim applied estoppel effect to a prior order holding that the court lacked subject matter jurisdiction, but then proceeded on the merits of the claim instead of remanding the claims to Hennepin County District Court, as required by 28 U.S.C. 1447(c). For these reasons and more, when the evidence is heard, the Court will hold that Judge Tunheim's filing restriction is really no filing restriction at all. See Baldwin v. Credit Based Asset Servicing and Securitization, 516 F.3d 734, 737 (8th Cir. 2002) (identifying reasons why a court action may be deemed void).

4. Hansmeier is entitled to a hearing on the propriety of judicial notice and the nature of the fact that the Court proposes to notice so long as the request for the hearing is made in a "timely fashion." Evidence Rule 201(e) expressly acknowledges that a timely request for a hearing may be made after judicial notice has been taken. This motion is being made as soon as practicable after the discovery of the court's action taking judicial notice.

5. This motion is based on this document and whatever evidence and argument may be heard at a hearing of this motion.

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Respectfully submitted,

Dated: 2/12/22



Paul Hansmeier
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